

PATENT  
ATTORNEY DOCKET NO.: 041094-5030

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Yoshitaka NAKAMURA	)	
	)	
U.S. Application No.: 10/565,641	)	Group Art Unit: Unassigned
	)	
International Appln. Filing Date: March 30, 2004	)	Confirmation No.: 2316
	)	
Date of National Stage Entry: January 24, 2006	)	Examiner: Unassigned
	)	
For: <b>NONCONTACT SENSOR</b>	)	
	)	

Commissioner of Patents  
**MAIL STOP PCT**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed July 28, 2006.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

Revised: 3/10/06

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☐ Applicant(s) hereby assert small entity status.

## 5. Fee Calculation

Basic National Stage Fee: \$300.00				<i>Paid Jan. 24, 2006</i>
	Number Filed	Number Extra	at a Rate of	
Total Claims	14-20 =	0	\$50.00 each=	+\$
Independent Claims	3- 3 =	0	\$200.00 each=	+\$
Multiple dependent claim(s), if any			\$360.00	<i>Paid Jan. 24, 2006</i>
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				\$
Application Search Fee			\$500/\$400/\$100	<i>Paid Jan. 24, 2006</i>
Examination Fee			\$200.00	<i>Paid Jan. 24, 2006</i>
SUB-TOTAL =				\$130.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$
TOTAL FILING FEE =				\$130.00

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$450.00	\$225.00
<input type="checkbox"/>	Three months	\$1,020.00	\$510.00
<input type="checkbox"/>	Four months	\$1,590.00	\$795.00
<input type="checkbox"/>	Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Completion Fees	<u>\$130.00</u>
	Assignment Fees	<u>\$ 40.00</u>
	Total Fee Due	<u>\$170.00</u>

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)  
☐ Preliminary Amendment  
☐ PCT/IB/338 English translation of the International preliminary Examination Report  
☒ Information Disclosure Statement  
☒ Form PTO-1449, 1 document as listed  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Robert J. Goodell, Reg. No. 41,040

Date: August 11, 2006

**Customer No. 09629**

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08/16/2006 LLANDGRA 00000077 500310 10565641

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/565,641	FIRST NAMED APPLICANT Yoshitaka Nakamura	ATTY. DOCKET NO. 041094-5030
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INTERNATIONAL APPLICATION NO.

PCT/JP04/04575

I.A. FILING DATE

03/30/2004

PRIORITY DATE

07/25/2003

09629

MORGAN LEWIS & BOCKIUS LLP  
 1111 PENNSYLVANIA AVENUE NW  
 WASHINGTON, DC 20004

CONFIRMATION NO. 2316

371 FORMALITIES LETTER



\*OC000000019791889\*

Date Mailed: 07/28/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/24/2006.
- English Translation of the IA filed on 01/24/2006
- Copy of the International Search Report filed on 01/24/2006
- Copy of IPE Report filed on 01/24/2006
- Information Disclosure Statements filed on 01/24/2006
- U.S. Basic National Fees filed on 01/24/2006
- Priority Documents filed on 01/24/2006
- Specification filed on 01/24/2006
- Claims filed on 01/24/2006
- Abstracts filed on 01/24/2006
- Drawings filed on 01/24/2006

AUG 04 2006

KEEPING...

Docketed 8-9-06 Attorney B56/ADH

Case 41094-5030

Due Date 8-28-06

Action Prsp-Missing Requirements

By ADH Ctk CJM

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

RECEIVED

AUG 09 2006

SUMMARY OF FEES DUE:

MORGAN, LEWIS &amp; BOCKIUS LLP

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,641	PCT/JP04/04575	041094-5030